Disability Rights Idaho

PEOPLE EMPOWERED.
VOICES HEARD.
EQUITY ACHIEVED.
DIFFERENCES CELEBRATED.

DRI Statement on the Department of Justice Memorandum regarding Community Integration

On June 18th, the Department of Justice issued a confusing memorandum about community integration, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act and the *Olmstead v. L.C.* US Supreme Court decision from 1999.

Why is this memorandum confusing? First, it is titled a "slip opinion" which could lead some readers to believe that the Americans with Disabilities Act, Section 504 of the Rehabilitation Act and the *Olmstead v. L.C.* US Supreme Court decision from 1999 are no longer good law. That is not true.

Second, it leads states to believe that they no longer need to follow the Americans with Disabilities Act, Section 504 of the Rehabilitation Act and the *Olmstead v. L.C.* US Supreme Court decision from 1999 regarding community integration. That is not true. These statues have not been repealed, nor has the *Olmstead* decision been overturned.

Third, it is silent on the fiscal consequences a state may experience should it choose to follow the Memorandum. It is silent on the fact that institutional placements are the most expensive placements. It is silent on the fact that those costs will be passed on to Idaho taxpayers. It is silent on the cost to Idaho taxpayers to defend Idaho actions based on the memo should it be sued for not following current law and US Supreme Court decision.

Fourth, it is silent on the emotional consequences to Idaho citizens with

P.O. Box 4113, Boise, ID 83711 • (208) 336-5353 • (866) 262-3462
www.disabilityrightsidaho.org • info@disabilityrightsidaho.org

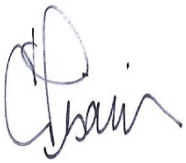
disabilities and seniors who may be forced to give up their homes to live in institutions because there are inadequate available community services. The memo is silent on the emotional cost of no longer being able to participate in your church, visit your family, visit your friends, access your long-time medical provider because now you must use the institution's medical provider**.** Institutionalization also means losing your freedom to come and go as you please, which impacts your ability to volunteer, work, and attend school in your community. It is silent on the emotional costs to family members who now must worry about their family members being abused or neglected in an institution and watch them grieve the loss of their home and their community.

Fifth, it is silent about where these institutions will come from. It is silent on who will build and pay for these institutions. Currently, approximately 33,000 Idahoans use home and community-based services through the Aged and Disabled (A&D) Waiver and the Developmental Disability Waiver to live, work and play in their communities. The majority of the 33,000 are Idaho seniors on the A&D Waiver. Does Idaho have the infrastructure to build and support institutions for 33,000 Idahoans with disabilities, or will it be out of state entities who come in and profit from such an endeavor?

What can Idaho do? It can choose to continue to support and fund community-based services. It can say no to new institutions. It can keep costs down by keeping people in their homes with individualized support. It can choose to respect the dignity and rights of its citizens. Idaho can say that the Idaho way is to live in your own home and community with the right support and services. Idaho can say no to isolation. Idaho can say yes to community, freedom, choice, and keeping families together.

Amy Cunningham
Disability Rights Idaho
Executive Director

Mark Leeper, Executive Director
Disability Action Center – NW, Inc.



Christine Pisani
Idaho Council on
Developmental Disabilities
Executive Director

Jeremy Maxand
Executive Director
LINC

Mel Leviton
Idaho State Independent Living Council
Executive Director

Zoe Ann Olson

Zoe Ann Olson
Intermountain Fair Housing Council
Executive Director

Angela Lindig
Executive Director
Idaho Parents Unlimited